



**6712-01**

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 54**

**[WC Docket Nos. 11-42, 03-109, 12-23 and CC Docket No. 96-45; FCC 12-11]**

Lifeline and Link Up Reform and Modernization, Advancing Broadband Availability Through Digital Literacy Training

**AGENCY:** Federal Communications Commission.

**ACTION:** Correcting amendments.

**SUMMARY:** This document contains corrections to the final rules in 47 CFR part 54, which were published in the **Federal Register** March 2, 2012, (77 FR 12952). A correction to the final regulations in part 54 was published in the **Federal Register** March 30, 2012 (77 FR 19125). The regulations relate to the Federal Communications Commission's initiatives to comprehensively reform and modernize the Universal Service Lifeline program. The reforms adopted will substantially strengthen protections against waste, fraud, and abuse; improve program administration and accountability; improve enrollment and consumer disclosures; initiate modernization of the program for broadband; and constrain the growth of the program in order to reduce the burden on all who contribute to the Universal Service Fund.

**DATES:** These correcting amendments are effective [Insert date of publication in the Federal Register].

**FOR FURTHER INFORMATION CONTACT:** Kimberly Scardino, Wireline Competition Bureau, (202) 418-7400 or TTY: (202) 418-0484.

**SUPPLEMENTARY INFORMATION:**

Background

Part 54 rules are issued pursuant to the Communications Act of 1934, as amended. The purpose of the part 54 rules is to implement section 254 of the Communications Act of 1934, as amended. 47 U.S.C. 254. This action corrects the final regulation implemented at §§ 54.407, 54.409, 54.410, 54.412, 54.416, 54.417, 54.420, and 54.422, of the Commission's rules. 47 CFR 54.407, 54.409, 54.410, 54.412,

54.416, 54.417, 54.420, and 54.422.

Need for Correction

The March 2, 2012, Federal Register Summary (77 FR 12952) contains errors in certain final rules. This document corrects those errors.

List of Subjects in 47 CFR Part 54

Communications common carriers, Reporting and record keeping requirements,  
Telecommunications, Telephone.

Accordingly, 47 CFR part 54 is corrected by making the following correcting amendments:

## **PART 54 – UNIVERSAL SERVICE**

1. The authority citation for part 54 continues to read as follows:

Authority: U.S.C. 151, 154(i), 201, 205, 214, 219, 220, 254, 303(r), 403, and 1302 unless otherwise noted.

### **§ 54.407 [Corrected]**

2. In § 54.407, paragraph (d), remove “from each of the subscribers” and add, in its place, “for each of the subscribers.”

3. Amend § 54.409 by revising paragraph (a)(3) to read as follows:

### **§ 54.409 Consumer qualification for Lifeline.**

(a) \* \* \*

(3) The consumer meets additional eligibility criteria established by a state for its residents, provided that such-state specific criteria are based solely on income or other factors directly related to income.

\* \* \* \* \*

4. Amend § 54.410 by revising paragraph (c)(1)(iii) to read as follows:

### **§ 54.410 Subscriber eligibility determination and certification.**

\* \* \* \* \*

(c) \* \* \*

(1) \* \* \*

(iii) Must, consistent with §54.417, keep and maintain accurate records detailing the data source a carrier used to determine a subscriber's program-based eligibility or the documentation a subscriber provided to demonstrate his or her eligibility for Lifeline.

\* \* \* \* \*

**§ 54.410 [Corrected]**

5. In § 54.410, redesignate the second paragraph designated as (d)(3)(ii) through paragraph (d)(3)(viii) as (d)(3)(iii) through (d)(3)(ix).

6. Amend § 54.412 by revising paragraphs (a) and (b) to read as follows:

**§ 54.412 Off reservation Tribal lands designation process.**

(a) The Commission's Wireline Competition Bureau and the Office of Native Affairs and Policy may, upon receipt of a request made in accordance with the requirements of this section, designate as Tribal lands, for the purposes of the Lifeline and Tribal Link Up program, areas or communities that fall outside the boundaries of existing Tribal lands but which maintain the same characteristics as lands identified as Tribal lands defined as in § 54.400(e).

(b) A request for designation must be made to the Commission by a duly authorized official of a federally recognized American Indian Tribe or Alaska Native Village.

\* \* \* \* \*

**§ 54.416 [Amended]**

7. In § 54.416, remove paragraph (a)(3).

8. Amend § 54.417 by revising paragraph (c) to read as follows:

**§ 54.417 Recordkeeping requirements.**

\* \* \* \* \*

(c) Non-eligible-telecommunications-carrier resellers that purchase Lifeline discounted wholesale services to offer discounted services to low-income consumers must maintain records to document compliance with all Commission requirements governing the Lifeline and Tribal Link Up program for the three full preceding calendar years and provide that documentation to the Commission or Administrator upon request. To the extent such a reseller provides discounted services to low-income consumers, it must fulfill the obligations of an eligible telecommunications carrier in §§ 54.405 and 54.410.

9. Amend § 54.420 by revising paragraph (a)(5), to read as follows:

**§ 54.420 Low income program audits.**

(a) \* \* \*

(5) Delegated authority. The Wireline Competition Bureau and the Office of Managing Director have delegated authority to perform the functions specified in paragraphs (a)(2) and (a)(3) of this section.

\* \* \* \* \*

10. Revise § 54.422 to read as follows:

**§ 54.422 Annual reporting for eligible telecommunications carriers that receive low-income support.**

(a) In order to receive support under this subpart, an eligible telecommunications carrier must annually report:

(1) The company name, names of the company's holding company, operating companies and affiliates, and any branding (a "dba," or "doing-business-as company" or brand designation) as well as relevant universal service identifiers for each such entity by Study Area Code. For purposes of this paragraph, "affiliates" has the meaning set forth in section 3(2) of the

Communications Act of 1934, as amended; and

(2) Information describing the terms and conditions of any voice telephony service plans offered to Lifeline subscribers, including details on the number of minutes provided as part of the plan, additional charges, if any, for toll calls, and rates for each such plan. To the extent the eligible telecommunications carrier offers plans to Lifeline subscribers that are generally available to the public, it may provide summary information regarding such plans, such as a link to a public website outlining the terms and conditions of such plans.

(b) In order to receive support under this subpart, a common carrier that is designated as an eligible telecommunications carrier under section 214(e)(6) of the Act and does not receive support under subpart D of this part must annually provide:

(1) Detailed information on any outage in the prior calendar year, as that term is defined in 47 CFR 4.5, of at least 30 minutes in duration for each service area in which the eligible telecommunications carrier is designated for any facilities it owns, operates, leases, or otherwise utilizes that potentially affect

(i) At least ten percent of the end users served in a designated service area; or

(ii) A 911 special facility, as defined in 47 CFR 4.5(e).

(iii) Specifically, the eligible telecommunications carrier's annual report must include information detailing:

(A) The date and time of onset of the outage;

(B) A brief description of the outage and its resolution;

(C) The particular services affected;

(D) The geographic areas affected by the outage;

(E) Steps taken to prevent a similar situation in the future; and

(F) The number of customers affected.

(2) The number of complaints per 1,000 connections (fixed or mobile) in the prior calendar year;

(3) Certification of compliance with applicable service quality standards and consumer protection rules;

(4) Certification that the carrier is able to function in emergency situations as set forth in § 54.202(a)(2).

(c) All reports required by this section must be filed with the Office of the Secretary of the Commission, and with the Administrator. Such reports must also be filed with the relevant state commissions and the relevant authority in a U.S. territory or Tribal governments, as appropriate.

#### FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch,  
Secretary.

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